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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-206279

DATE: February 26, 1982

MATTER OF: Washex Machinery Corporation

DIGEST:

1. Awardee's bid is responsive where descriptive literature shows that the offered equipment meets the solicitation requirements, and protest is based on failure of equipment to meet an unstated requirement.
2. Protest that solicitation should have contained an unstated requirement concerns an alleged defect apparent from the face of the solicitation which was untimely filed after bid opening.

Washex Machinery Corporation (Washex) protests the award of a contract for a hospital laundry system to Pellerin Milnor Corporation (PMC), by the Veterans Administration, under solicitation No. M2-Q2-82. Washex asserts that the PMC bid is nonresponsive because certain equipment offered by PMC does not meet the solicitation's hourly production requirements. Based on the following, we summarily deny the protest in part and dismiss it in part.

The specifications require a wash system capable of processing a minimum of 2,000 pounds of dry, soiled linens and uniforms per hour. PMC included with its bid descriptive literature required by the solicitation, which indicated that the hourly production capacity of its wash system ranged from 1,335 pounds per hour to 2,400 pounds per hour, depending on the total washing time used. Where total washing time was 24 minutes, production capacity was stated to be 2,000 pounds per hour; where total washing time was 30 minutes, production capacity was stated to be 1,600 pounds per hour.


Washex points out that PMC's equipment cannot obtain the required 2,000-pound-per-hour production level by using a 30-minute washing time. Washex contends that 30 minutes is the minimum washing time required to obtain hygienic, clean hospital work. Therefore, Washex contends that the PMC bid is non-responsive because PMC's equipment provides only a 1,600-pound-per-hour production capacity for a 30-minute washing time.

Washex's argument is based on the mistaken premise that the specifications require a minimum of 30 minutes' total washing time to achieve the 2,000-pound-per-hour production capacity. No minimum washing time requirement is contained in the solicitation, and PMC's equipment clearly complies with the solicitation requirement that the system be capable of processing 2,000 pounds per hour.

To the extent that Washex is alleging that such a requirement should have been included in the solicitation, the protest is untimely. Washex initially protested to the agency after the contract was awarded to PMC and subsequently filed its protest with our Office after the agency denied the protest. However, our Bid Protest Procedures require that protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening be filed prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1981).

Since it is clear from the protester's initial submission that this protest is without merit, we have decided the matter without further case development. Environmental Health Systems, Inc., B-204249, August 24, 1981, 81-2 CPD 171. The protester's request for a conference on the merits of the protest is denied because a conference would serve no useful purpose. Waterbury Farrel, Division of Textron, Inc., B-203798, July 24, 1981, 81-2 CPD 60.

We summarily deny the protest in part and dismiss it in part.

for 
Comptroller General
of the United States